



MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, JULY 5, 2007
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

1. CALL TO ORDER

Chairperson Hughes called the regular meeting to order at 6:11 p.m.

Commission members present were: Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Ralph Davila, Mr. Robert Horton, Mr. Art Hughes (Chairperson), Mr. G.H. Jones, Mr. Don Maxwell, and Mr. Michael Parks.

Commission member absent was: Mr. Michael Beckendorf.

Staff members present were: Mr. Kevin Russell, Director of Development Services; Ms. Julie Fulgham, Staff Planner; Mr. Martin Zimmermann, Senior Planner; Ms. Janis Hampton, Assistant City Attorney; Ms. Mary Lynne Stratta, City Secretary; and Mr. Rodney Schmidt, Executive Management Intern.

2. HEAR CITIZENS

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST

There were none.

4. CONSENT AGENDA (Items may be removed at the request of two Commission members.)

A. Approval of minutes from the workshop and regular meetings on June 21, 2007.

B. CONSIDERATION – Master Plan MP07-04

M. Zimmermann

Revised Master Preliminary Plan of Riverstone Subdivision, being 75.79 acres of land adjoining the northwest side of F.M. 1179 between Oak Forest and Copperfield Drives in the eastern extraterritorial jurisdiction (ETJ) of Bryan, Brazos County, Texas.

C. CONSIDERATION – Final Plat FP07-15

M. Zimmermann

Proposed Final Plat of Riverstone Subdivision – Phase 1, being 38.152 acres of land adjoining the northwest side of F.M. 1179 between Oak Forest and Copperfield Drives in the eastern extraterritorial jurisdiction (ETJ) of Bryan, Brazos County, Texas.

D. CONSIDERATION – Master Plan MP07-06

M. Zimmermann

Revised Master Plan of Briar Meadows Creek Subdivision, being 61.17 acres of land wedged between William J. Bryan Parkway, East Villa Maria Road and Broadmoor Drive in Bryan, Brazos County, Texas

Commissioner Jones moved to approve the Consent Agenda. Commissioner Maxwell seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF EXCEPTION (Commission has final approval; appeals may be directed to City Council.)

5. PUBLIC HEARING/CONSIDERATION – Planning Exception PE07-03

M. Zimmermann

A request for approval of an exception to standards of the subdivision ordinance requiring the installation of sidewalks in conjunction with a proposed residential subdivision, to allow the installation of sidewalks on only the south side of proposed Amber Court and on only the north side of a proposed extension of Red River Drive in proposed Briar Meadows Creek Subdivision – Phase 2, being 7.564 acres of land generally extending between Broadmoor and Red River Drives in Bryan, Brazos County, Texas

Mr. Martin Zimmermann, Senior Planner, presented a staff report (on file in the Development Services Department). Mr. Zimmerman stated that the applicants are requesting an exception to the requirement to install a sidewalk in conjunction with the proposed subdivision of 7.564 acres of land located between Broadmoor and Red River Drives (proposed Briar Meadows Creek Subdivision – Phase 2). Approval of the variance will allow the installation of sidewalks on only the south side of proposed Amber Court and only the north side of a proposed extension of Red River Drive. Staff recommends approving the requested exception.

Staff contends that a 4-foot wide sidewalk on only one side of an approximately 240-foot long cul-de-sac (Amber Court) is sufficient to accommodate the pedestrian traffic on such a local residential street. Staff also believes that not requiring installation of a sidewalk along the south side of Red River Drive at this time is justifiable since no new lots are currently proposed along this 65-foot long street extension. If and when the adjacent land is subdivided, as proposed as part of Briar Meadows Creek Subdivision – Phase 8, then the installation of sidewalks along the entire Red River Drive extension will be required to serve the newly created lots along this street segment.

The public hearing was opened.

Mr. Chris Peterson, of 3702 Oak Ridge Drive, Bryan, Texas, came forward to speak in favor of the request. He stated that this request is similar to planning exceptions that were approved for similar situations in this vicinity in the past.

The public hearing was closed.

Commissioner Clark moved to approve Planning Exception PE07-03, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Responding to a question from Commissioner Parks, Mr. Peterson stated that the other exceptions were approved roughly 14 months ago.

The motion passed with a vote of seven (7) in favor, and one (1) in opposition. Commissioner Parks cast the vote in opposition.

REQUEST FOR APPROVAL OF VARIANCE (Commission has final approval; appeals may be directed to City Council.)

6. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-29 M. Zimmermann

A request for approval of a variance from the minimum 100-foot depth required of lots in Mixed Use Residential (MU-1) zoning districts, to create three new lots, which would be only 98.75 feet deep located at 3701 Tabor Road consisting of 0.686 acres of land out of Moses Baine League, A-3 in Bryan, Brazos County, Texas.

Mr. Martin Zimmermann, Senior Planner, presented a staff report (on file in the Development Services Department). Mr. Zimmermann stated that the applicant/property owner is proposing to subdivide their property into three lots. Lots in the proposed Tara Ridge Subdivision are generally required to be at least 100 feet in depth. All three proposed lots are planned to be only 98.75 feet in depth. The applicant is requesting a variance from the minimum 100-foot lot depth requirement to be able to subdivide the subject property as proposed. Staff recommends approving the requested variance. Staff believes that such a minor variation (1.25%) from development standards will not prevent the orderly development of land in this vicinity. Staff believes that if the variance were granted the spirit of the ordinance will still be observed.

The public hearing was opened.

Mr. Joe Schultz, of 3208 Innsbruck Circle, College Station, Texas, representing the applicant, came forward to make himself available for question. No one had any questions for Mr. Schultz.

The public hearing was closed.

Commissioner Maxwell moved to approve Planning Variance PV 07-29, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF REZONING (Commission makes recommendation; City Council has final approval.)

7. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-31

R. Haynes

A request to change the zoning classification from Residential District – 7000 (RD-7) to Residential – Neighborhood Conservation (R-NC) on all eligible lots in the Rockwood Park Estates Subdivision in Bryan, Brazos County, Texas.

Mr. Martin Zimmermann, Senior Planner, presented a staff report (on file in the Development Services Department). Mr. Zimmermann stated that the property owners within Rockwood Park Estates Subdivision have submitted a complete petition for a City-initiated zoning change from Residential District – 7000 (RD-7) to Residential – Neighborhood Conservation (R-NC) on all 71 lots in this subdivision. Most of the lots in this subdivision are developed with single-family homes. Staff contends that R-NC zoning for eligible lots in this subdivision phase appears to conform to the intent and purpose of this zoning classification, which is designed to preserve, protect and enhance the character of established residential neighborhoods, by limiting the number of unrelated individuals that may occupy a single dwelling unit to two. Staff recommends approving R-NC zoning for all eligible lots in this subdivision phase, as requested.

Commissioner Maxwell asked Mr. Zimmermann if all six criteria for recommending approval of a zone change were met. Mr. Zimmermann stated that, in staff's opinion, all six criteria have been met.

The public hearing was opened.

Mr. John Wingfield, of 217 North Harvey Mitchell Parkway, Bryan, Texas, came forward to state that the entire R-NC rezoning process has been flawed and that he has filed a grievance with the Texas Secretary of State. Mr. Wingfield distributed a letter to the commission in which his complaints were listed in detail.

Commissioner Parks asked Mr. Wingfield if he was unhappy with the rezoning classification or the process for classification. Mr. Wingfield stated that he will support the rezoning if it is done correctly but feels that the City of Bryan's application process for R-NC rezoning is flawed.

Commissioner Jones asked Mr. Wingfield when he filed his complaint with the Texas Secretary of State. Mr. Wingfield stated that he filed it two weeks after the majority of the subdivision residents gathered to sign petitions.

Mr. Jordan Bucknum, of 215 North Harvey Mitchell Parkway, Bryan, Texas, came forward and stated that he too felt the rezoning petition was done illegally. He stated that the notary never asked for any identification while he was at the office voting on the petition and fears that may have flawed the results.

Mr. Warren Grant, of 1907 Rockwood Drive, Bryan, Texas, came forward and asked if the Commission could read the letter submitted by Mr. Wingfield. Ms. Janis Hampton, Assistant City Attorney, stated that Mr. Wingfield could read the letter.

Mr. Wingfield came forward and read the letter aloud to the Commission.

Mr. Doug Wunneburger, of 2008 Rockwood Drive, Bryan, Texas, came forward and stated that he felt the subdivision adhered to all the rules put in place by the City of Bryan.

Commissioner Jones asked if the notary had a record of who signed the petition.

Commissioner Clark made a point of order and stated that it is not the purview of the Planning and Zoning Commission to validate the performance of notaries.

Mr. Wingfield came forward and stated that the public hearing is designed to bring information to the attention of the Planning and Zoning Commission.

Ms. Michele Lacey, of 1904 Cedarwood Drive, Bryan, Texas, came forward and stated that she was the petition circulator and feels all the rules were followed in accordance with City of Bryan regulations.

Mr. Wayne Ivie, of 2007 Rockwood Drive, Bryan, Texas, came forward and stated the subdivision followed the rules laid out by the City of Bryan.

The public hearing was closed.

Commissioner Bond moved to recommend approval of Rezoning RZ07-31, as requested, accepting the findings of staff. Commissioner Horton seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Bond stated that staff has done a great job in the past and continues to do a great job of providing accurate information to the Commission.

Commissioner Clark stated that this is a textbook case as to why the City of Bryan has given subdivisions the ability to request rezoning.

Commissioner Parks stated that the Planning and Zoning Commission's main responsibility is to decide on zoning and not on the procedural matters during the petition process.

Chairperson Hughes stated that R-NC rezonings go through a rigorous process before they even get to the Planning and Zoning Commission.

The motion passed with a unanimous vote.

8. COMMISSION CONCERNS

Commissioners Maxwell and Clark commented that they would like to see more sidewalks in the City of Bryan.

Commissioner Parks commented that he would like to see a more continuous network of sidewalks in the City.

Commissioner Bond expressed his appreciation for the public's attendance at the meeting.

9. ADJOURN

Without objection, Chairperson Hughes adjourned the meeting at 6:50 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the **19th** day of **July, 2007**.

Art Hughes, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission